

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

EDWARD GENE SMITH,

Defendant.

INDICTMENT

25 Cr.

25 CRIM 004

COUNT ONE

(Receipt and Distribution of Child Pornography)

The Grand Jury charges:

1. From at least in or about June 3, 2023, through in or about June 6, 2023, in the Southern District of New York and elsewhere, EDWARD GENE SMITH, the defendant, knowingly received and distributed material that contained child pornography using a means and facility of interstate and foreign commerce and that had been mailed and had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, SMITH received files containing sexually explicit images of a minor on a computer in New York, New York, via a Cloud-based storage company.

(Title 18, United States Code, Sections 2252A(a)(2)(B) and (b)(1).)

COUNT TWO

(Possession of Child Pornography)

The Grand Jury further charges:

2. From at least in or about June 3, 2023, through at least in or about June 26, 2024, in the Southern District of New York and elsewhere, EDWARD GENE SMITH, the defendant, knowingly possessed and accessed with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that

had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, SMITH possessed sexually explicit images of minors, including images of prepubescent minors and minors who had not attained 12 years of age, in his residence in New York, New York.

(Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2).)

COUNT THREE
(Distribution of Controlled Substances)

The Grand Jury further charges:

3. On or about April 23, 2023, in the Southern District of New York and elsewhere, EDWARD GENE SMITH, the defendant, knowingly and intentionally distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

4. The controlled substance involved in the offense was clonazepam, in violation of Title 21, United States Code, Section 841(b)(2).

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(2).)

FORFEITURE ALLEGATION

5. As a result of committing the offenses alleged in Counts One and Two of this Indictment, EDWARD GENE SMITH, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, any and all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from said offense and any and all property, real or personal, used or intended to be used to commit or promote the commission of said offenses

or traceable to such property, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

6. As a result of committing the offense alleged in Count Three of this Indictment, EDWARD GENE SMITH, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

Substitute Assets Provision


7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 2253;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


EDWARD Y. KIM
Acting United States Attorney